

HAMILTON SUPERIOR COURT 5
One Hamilton County Square, Suite 297
Noblesville, Indiana 46060-2231
Telephone: (317) 776-8260
website: www.state.in.us/hcc/

CAUSE NO. 29D05-_____-SC-_____

Plaintiff requests service by:
____ Sheriff of _____ County
____ Certified mail

Plaintiff 1 _____

Plaintiff 2 _____

Address line 1 _____

Address line 2 _____

City _____ State _____ Zip _____

Telephone (____) _____

If Plaintiff is represented by an attorney:

Attorney _____

Attorney number _____

Address line 1 _____

Address line 2 _____

City _____ State _____ Zip _____

Telephone (____) _____

vs.

Defendant 1 _____

Address line 1 _____

Address line 2 _____

City _____ State _____ Zip _____

Defendant 2 _____

Address line 1 _____

Address line 2 _____

City _____ State _____ Zip _____

Telephone (____) _____

TO THE DEFENDANT(S):

You have been sued by the Plaintiff as set out below. You must appear in the Hamilton Superior Court No. 5 in person or with your attorney on _____ to contest the claim for eviction, past-due rent, and damages.

NOTICE OF CLAIM FOR POSSESSION AND RENT DUE

On or about _____, the plaintiff rented to the said defendant(s) property at _____
_____ for a term of _____ days/months/years. The defendant(s)
agreed to pay rent at \$ _____ per _____, payable in advance on the _____ day of each
_____. Rent is now past due in the amount of \$ _____, and the defendant(s)
remain in possession. Defendant(s) have otherwise violated the lease as follows: _____

WHEREFORE, plaintiff demands judgment for the immediate possession of said premises and \$ _____ and court costs of this action.

Date: _____ (Plaintiff)

NOTICE

This claim is a demand for the possession of the above property. If any past-due rent remains unpaid 10 days after your receipt of this claim, you will be subject to immediate eviction. Payment of all past-due rent within this period may be a defense to eviction in some cases.

(See important information on reverse side)

IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. The Plaintiff or the Defendant may represent themselves individually or be represented by an attorney. A Small Claims Litigant's Handbook is available at the offices of the Clerk or Court (or at the website at www.state.in.us/hcc/) for each party's benefit. The Plaintiff and Defendant should bring to trial all documents in their possession or under their control concerning this claim. Time does not permit trials in every case set on the first trial setting. Therefore, trials will be held as needed in eviction cases and such other cases where both parties are prepared for trial and time allows.
2. A default judgment may be entered against the Defendant if he or she fails to appear for a trial date, and if the Plaintiff fails to appear, the case will be dismissed (but may be refiled once more).
3. If the Defendant does not wish to dispute the Plaintiff's claim, the Defendant still may wish to appear to allow the Court to establish the method for paying the judgment.
4. Any request for a continuance of a trial date by either party should be filed with the Court at least five days before the hearing date. Forms requesting a continuance are available at the Court's office or on the website. The party requesting a continuance must contact the other party regarding the request.
5. Any counterclaim against the Plaintiff must be filed with the Clerk in time to be mailed to and received by the Plaintiff at least seven calendar days before the trial. Forms are available for this purpose.
6. If a settlement of this claim is made out of Court, it should be in writing and signed by the Plaintiff and Defendant. Settlement forms may be obtained from the Court or from the website. The settlement shall be filed with the Court and will be entered in the Small Claims Docket and shall have the same effect as a judgment of the Court.
7. The filing of a Small Claim waives the Plaintiff's right to trial by jury. The Defendant may, no later than 10 days following service of the Notice of Claim, make a demand for a trial by jury in writing, in accordance with Indiana Code 33-29-2-7. If a jury trial request has been granted, it may not be withdrawn without consent of both parties. Both parties should then obtain attorneys. The Defendant must pay a \$70 fee at the Clerk's Office within 10 days after the jury request has been granted; otherwise, the Defendant gives up the right to a jury trial.

SHERIFF'S RETURN OF NOTICE OF CLAIM

I hereby certify that on the below date:

- _____ I served this Notice of Claim by delivering a copy to the Defendant.
- _____ I served this Notice of Claim by leaving a copy:
- _____ at the dwelling or usual place of abode of Defendant;
- _____ with a person of suitable age and discretion residing therein, namely _____;
- _____ and by mailing a copy of the Notice of Claim to the Defendant, by first class mail, to the address listed on the Notice of Claim (date copy mailed if different from below: _____, 200____).
- _____ I was unable to serve this Notice of Claim because _____
- _____

Dated: _____

Sheriff of Hamilton/_____ County

By: _____